

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALYSSA KAYLEE ANNE
MCWATTERS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

HEIDI MCWATTERS JONES,

Respondent-Appellant,

and

BRIAN SOPER,

Respondent.

UNPUBLISHED
November 25, 2008

No. 285851
St. Joseph Circuit Court
Family Division
LC No. 07-000107-NA

Before: Murphy, P.J., and Sawyer and Smolenski, JJ.

PER CURIAM.

Respondent Heidi McWatters Jones appeals as of right the order of the trial court terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005). Adjudication occurred after respondent was arrested for a probation violation and tested positive for methamphetamine and marijuana. Thereafter, respondent was incarcerated for approximately six months. After her release from jail, she failed to participate in drugs screens or treatment and did not cooperate with petitioner's efforts to reunite her with the minor child and the child's younger half-sibling for almost seven months. Shortly before the termination hearing, respondent began to comply with services to address her substance abuse and mental health issues. She also became employed and acquired suitable housing and transportation. However, the trial court did not clearly err in finding that she had not demonstrated a sufficient period of sobriety to conclude that the primary condition of adjudication had been rectified or would be rectified within a reasonable period of time.

Similarly, the record supports the trial court's finding that respondent had failed to provide proper care and custody of the child and that there was no reasonable expectation that respondent would be able to do so within a reasonable time.

We further find no error in the trial court's failure to find that termination would be contrary to the best interests of the child. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000).¹ Respondent's rights to the younger child were not terminated because the trial court determined that termination was not in his best interests at the time of the hearing. However, the therapist for the child at issue and the foster care worker testified that her age and fragile mental state made an immediate determination for her necessary. She had suffered greatly because of parental neglect and possibly abuse and needed permanence and stability.

Affirmed.

/s/ William B. Murphy
/s/ David H. Sawyer
/s/ Michael R. Smolenski

¹ Pursuant to an amendment of MCL 712A.19b(5) by the Legislature in 2008 PA 199, a trial court must now find, in addition to a statutory ground for termination, "that termination of parental rights is in the child's best interests." This amendment was made effective July 11, 2008, which is after the date of termination in the case at bar.